



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during August 2011
DISTRIBUTED: November 3, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Hazardous Waste:

Advance Auto Sales, Inc. d/b/a Lee Nissan of Auburn, Auburn, Maine. Advance Auto Sales, Inc. ("Advance Auto") violated provisions of the Department's rules concerning *Standards for Generators of Hazardous Waste* by failing to mark a container of hazardous waste with an accumulation start date and failing to label a distillation unit holding tank containing hazardous waste paint and thinners with the words "Hazardous Waste". In addition, Advance Auto violated the Department's rule for the *Licensing of Hazardous Waste Facilities* and its Department-issued license to beneficially reuse hazardous waste by failing to maintain daily operational and inspection logs on the facility's distillation unit on days when it was in use. Following Department involvement, Advance Auto indicated that it implemented corrective actions including installation of a sealed container for liquid hazardous waste paint, properly labeling hazardous waste containers, and review and implementation of the requirement of its hazardous waste license. To resolve the violations, Advance Auto paid \$4,500 as a civil monetary penalty.

Land:

John Goodwin, Jr. and Yvonne Goodwin, Southwest Harbor, Maine. John Goodwin, Jr. and Yvonne Goodwin (the "Goodwins") violated Maine's Site Location of Development law by offering for sale to the public twenty-three lots in a subdivision of approximately 60 acres without first obtaining a permit from the Department. To resolve the violations: the Goodwins agreed to record a copy of the administrative consent agreement with the Hancock County Registry of Deeds; record a deed covenant restriction preserving a 100-foot wide natural buffer area of approximately 1.2 acres; and neither sell, lease, or offer for sale or lease, any lots from the subject or contiguous properties owned by the Goodwins for a period of five years. In addition, the Goodwins agreed to pay \$40,700 as a civil monetary penalty pursuant to the terms of a payment plan.

Superior Court Enforcement Resolutions (party followed by location):

Oil:

State of Maine and Maine Department of Environmental Protection v. Chevron U.S.A., Inc. and Texaco Inc., Hampden, Maine. In a Consent Decree entered into by the State, Chevron U.S.A., Inc. ("Chevron"), and Texaco, Inc. ("Texaco"), and approved by the Superior Court, Chevron and Texaco agreed to a civil penalty of \$900,000 to settle the State's allegations of oil discharges and failure to clean up to the Commissioner's satisfaction. Chevron and Texaco owned and operated marine oil terminals on the banks of the Penobscot River in Hampden, Maine through the mid-1980s. In its complaint, the State alleged that during their ownership, Chevron and Texaco discharged oil into or upon the groundwater, the river, tidal flats, and adjacent land. The State believes that oil spilled during Chevron's and Texaco's ownership continued to discharge into the river even after Chevron and Texaco had sold the properties. By discharging oil, the State alleged that Chevron and Texaco violated Maine's *Oil*



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*Discharge Prevention and Pollution Control law and Water Pollution Control law. The State also alleged that prior to Chevron's entering into a Clean-up Order by Consent with the Department in 2007, Chevron failed to immediately undertake to remove oil discharges to the satisfaction of the Commissioner, thereby violating the *Oil Discharge Prevention and Pollution Control* law. To resolve the State's allegations and without admitting liability, Chevron and Texaco agreed to the entry of a Consent Decree requiring a civil penalty of \$900,000. Of this amount, Chevron and Texaco have paid \$380,000 to the Maine Coastal and Inland Surface Oil Clean-up Fund. Chevron and Texaco are funding a Supplemental Environmental Project in the Town of Hampden with the remaining \$520,000. The project includes the purchase by the town of approximately 8.5 acres of land at Turtle Head Cove on the Penobscot River, which land will be permanently protected through a conservation easement including preserving undeveloped shoreline and preserving public access. The project also includes trail work, signage, a canoe-kayak launch, parking area, and replacement of a floating dock at the adjacent municipal boat launch.*